

**Delaware Department of Agriculture  
Pesticides Section, Enforcement  
2320 South DuPont Highway  
Dover, Delaware 19901  
Enforcement Action/Violation**

**Respondent:**

**Double "E" Lawncare  
33058 Nassau Loop  
Lewes, DE 19958**

**Violations:**

§1224(a)(10) – Neglecting or, after notice, refusing to comply with the LAW, the rules adopted under the LAW or any lawful order of the Department .

**Penalty:**

Respondent signed a consent agreement on May 16<sup>th</sup> 2017. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$1050.00

**STIPULATED FACTS**

1. Double "E" Lawncare, ("Respondent") is a commercial pesticide applicator business with an office located at 33058 Nassau Loop, Lewes DE 19958. Respondent does not have a pesticide business license issued by the Delaware Department of Agriculture ("Department").
2. Tommy Engel ("Engel") is the owner of Double "E" Lawncare. At the time of the inspection Mr. Engel's certification (01-233) had expired on 12/31/2003.
3. Juan Gutierrez ("Gutierrez") is employed by Double "E" Lawncare. Mr. Gutierrez is not a certified applicator or a registered service employee.
4. The Pesticide Section of the Department ("Complainant,") is bringing this enforcement action against Respondent. James Hughes, ("Hughes"), is employed as an Environmental Program Manager I with the Department. Dustin Borntreger, ("Borntreger"), is employed as an Environmental Scientist II with the Department.
5. On Tuesday, April 4<sup>th</sup> 2017, Hughes observed a backpack sprayer and a 2 ½ gallon container of what appeared to be a pesticide sitting on a lawn located on Eleanor Lee Lane East in the Canal Cockran development. Hughes issued a Notice of

Inspection to Juan Gutierrez. Mr. Gutierrez stated that he remembered talking to Hughes during a previous inspection for the company not having a Pesticide Business license. The 2 ½ gallon contained Quali-Pro Glyphosate Plus Herbicide (EPA Reg. No. 66222-176)

6. Gutierrez stated that he wasn't going to make an application of Quali-Pro Glyphosate Plus Herbicide. Hughes asked why the backpack and 2 ½ gallon jug were present and Gutierrez did not answer.
7. Photograph of the lawn area shows the backpack sprayer and pesticide container. Photographs taken at the scene clearly show the trailer being towed by a white Ford pickup truck with tag number C98547 is labeled "Double "E" Lawncare Residential and Commercial 302-745-3159"
8. On July 23<sup>rd</sup>, 2013 a Notice of Warning was mailed via certified mail to Engel located at 33058 Nassau Loop, Lewes, DE 19958. This notice stated that a pesticide business license is required was required and that workers should wear proper PPE. The certified mail receipt signed by Engel is attached to the letter on file.
9. In the past 5 years, Respondent has no pesticide compliance violations with the Department.